

Senate Bill 435

By: Senators Harp of the 29th, Cowser of the 46th, Staton of the 18th, Chance of the 16th, Wiles of the 37th and others

**AS PASSED**

**AN ACT**

To amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to change the name of the Department of Technical and Adult Education to the Technical College System of Georgia; to amend the Official Code of Georgia Annotated to change references to reflect such changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, is amended by revising Code Section 20-4-14, relating to the Department of Technical and Adult Education, as follows:

"20-4-14.

- (a) There is established the Technical College System of Georgia, formerly known as the Department of Technical and Adult Education.
- (b) The department shall exercise state level leadership, management, and operational control over schools, programs, and services authorized in this article and Article 3 of this chapter.
- (c) The Technical College System of Georgia shall be empowered to:
  - (1) Approve occupational programs below the baccalaureate level; provided, however, any courses to be transferable to units of the University System of Georgia shall be approved by the Board of Regents of the University System of Georgia;
  - (2) Receive and hold title to property, equipment, money, and materials;
  - (3) Operate instructional services projects, also known as student live work projects, in those occupational areas which require specific skills or competency mastery that can best be obtained or demonstrated in a laboratory environment with clients, real items, or projects, including, but not limited to, carpentry, child care, aviation, welding, and automotive repair, and, in connection with such projects:

- (A) Receive, retain, and utilize donations, fees, and moneys generated as a result of the sale of such services or projects;
  - (B) Retain any unexpended student live work funds from year to year;
  - (C) Expend retained student live work funds for any student live work project or for the benefit of instructional programs at the technical institute; and
  - (D) Acquire, improve, and sell real or personal property in connection with student live work projects, provided that all acquisitions and sales of real property in connection with student live work projects shall be approved by the state board;
- (4) Solicit and receive funds from the general public, corporate underwriters, and foundations;
  - (5) Contract with other state, federal, or local public or private schools and other entities, individuals, or other legal entities for the provision of programmatic or administrative services or activities the department deems necessary; and
  - (6) Administer and supervise programs in accordance with standards, rules, regulations, and policies of the State Board of Technical and Adult Education."

## **SECTION 2.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by replacing "Department of Technical and Adult Education" with "Technical College System of Georgia" wherever the former occurs in:

- (1) Code Section 20-2-161.2, relating to the Youth Apprenticeship Program;
- (2) Code Section 20-2-270, relating to establishment of state-wide network of regional educational service agencies;
- (3) Code Section 20-2-320, relating to the Education Information Steering Committee, identification of data to implement Quality Basic Education Program, and state-wide comprehensive educational information network;
- (4) Code Section 20-3-39, relating to the reassignment of responsibilities for operation and management of public libraries;
- (5) Code Section 20-3-85, relating to study examining postsecondary text availability in alternative formats;
- (6) Code Section 20-3-485, relating to definitions regarding the Georgia HERO Scholarship;
- (7) Code Section 20-3-519, relating to definitions regarding HOPE scholarships and grants;
- (8) Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship at a public postsecondary institution and scholarship amount;

- (9) Code Section 20-3-519.3, relating to eligibility requirements for a HOPE scholarship at a private postsecondary institution and scholarship amount;
- (10) Code Section 20-3-519.5, relating to eligibility requirements for a HOPE grant at a branch of the Georgia Department of Technical and Adult Education and limitation on hours of eligibility;
- (11) Code Section 20-3-519.6, relating to HOPE GED vouchers;
- (12) Code Section 20-3-561, relating to management of the Georgia Military College vested in the board of trustees;
- (13) Code Section 20-4-11, relating to powers of the State Board of Technical and Adult Education;
- (14) Code Section 20-4-16, relating to funding of such board;
- (15) Code Section 20-4-17, relating to agencies receiving federal funds and transfers of personnel;
- (16) Code Section 20-4-18, relating to the management and control of adult literacy and postsecondary technical education and schools;
- (17) Code Section 20-4-21, relating to tuition fees;
- (18) Code Section 20-4-22, relating to management and control of quick start program;
- (19) Code Section 20-4-25, relating to membership in the retirement system by certain professional personnel;
- (20) Code Section 20-4-26, relating to membership in the retirement system of employees of schools formerly operated by local boards of education or area postsecondary education boards;
- (21) Code Section 20-4-31, relating to initial sick and annual leave;
- (22) Code Section 20-4-34, relating to rights and benefits of former employees of State Board of Postsecondary Vocational Education;
- (23) Code Section 20-4-36, relating to obtaining alternative formats for textbooks used by students with disabilities;
- (24) Code Section 20-4-42, relating to the administration of the industry services training program;
- (25) Code Section 20-4-45, relating to equipment procurement and use;
- (26) Code Section 20-14-8, relating to general powers and duties of the Education Coordinating Council;
- (27) Code Section 20-14-27, relating to reports required of the Office of Student Achievement;

(28) Code Section 20-14-50, relating to creation of the postsecondary accountability assessment program, adoption of performance measures, report cards, and audit; and

(29) Code Section 20-16-3, relating to the creation of the Georgia Higher Education Facilities Authority, appointment of members, terms of office, and officers.

### **SECTION 3.**

Chapter 8 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages at publicly owned facilities, is amended by revising subsection (a) of Code Section 3-8-6, relating to technical institutes, service of alcoholic beverages, and regulation and tax, as follows:

"(a) As used in this Code section, the term 'technical institute' means any facility which is operated by a unit of the Technical College System of Georgia and which has a business conference center capable of accommodating 200 people or more incident to its operation."

### **SECTION 4.**

Chapter 11 of Title 12 of the Official Code of Georgia Annotated, relating to the Georgia Youth Conservation Corps, is amended by revising Code Section 12-11-10, relating to coordinated job training and placement services, as follows:

"12-11-10.

Whenever available and appropriate, job training and placement services and education opportunities provided through other federal, state, and local programs such as through the Department of Education, the Department of Labor, the Technical College System of Georgia, and the Board of Regents of the University System of Georgia shall be coordinated with projects and programs developed under this chapter to assist eligible corps members. Coordinated services may include, but are not limited to, remedial and postsecondary education, job placement assistance, adult literacy training, job search skills, and job application skills. Whenever possible, eligible corps members without a high school diploma shall receive coordinated services that provide an opportunity to obtain an equivalent high school diploma."

### **SECTION 5.**

Chapter 5 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Public Safety Training Center, is amended by revising Code Section 35-5-6, relating to the effect of chapter on powers of Board of Corrections, State Board of Pardons and Paroles, and Department of Technical and Adult Education, as follows:

"35-5-6.

Nothing in this chapter shall be considered as altering current state laws establishing the powers and authority of the Board of Corrections or the State Board of Pardons and Paroles. Furthermore, nothing in this chapter shall prevent the Technical College System of Georgia from providing any course of instruction including, but not limited to, instructional courses, certified training, advanced instruction, or classes for or pertaining to public safety first responders and emergency medical personnel."

#### **SECTION 6.**

Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to persons not to be licensed, minimum ages for licensees, school attendance requirements, and driving training requirements, is amended by revising paragraph (4) of subsection (a.1) as follows:

"(4) The Technical College System of Georgia shall be responsible for compliance and noncompliance data for students pursuing a general educational development (GED) diploma."

#### **SECTION 7.**

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by replacing "Department of Technical and Adult Education" with "Technical College System of Georgia" wherever the former occurs in:

- (1) Code Section 43-7-3, relating to definitions regarding barbers;
- (2) Code Section 43-7-11, relating to requirements for license to practice barbering;
- (3) Code Section 43-7-13, relating to requirements for license to teach barbering;
- (4) Code Section 43-10-1, relating to definitions regarding cosmetologists;
- (5) Code Section 43-10-9, relating to application for certificate of registration, examination, work permit, reciprocity, study at technical college or public school, and eligibility of licensed barber;
- (6) Code Section 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing education requirements, and exemptions;
- (7) Code Section 43-10-20, relating to teaching of cosmetology in prisons and certification of registration;
- (8) Code Section 43-10A-7, relating to licensing requirement and exceptions for professional counselors, social workers, and marriage and family therapists;

- (9) Code Section 43-26-34, relating to the creation of the Georgia Board of Examiners of Licensed Practical Nurses, appointment of members, terms, filling of vacancies, meetings, and reimbursement of expenses; and
- (10) Code Section 43-26-55, relating to certification standards and requirements and issuance and renewal of certificates for qualified medication aides.

#### **SECTION 8.**

Code Section 45-20-2 of the Official Code of Georgia Annotated, relating to definitions regarding personnel administration, is amended by revising subparagraph (BB) of paragraph (15) as follows:

"(BB) The officers, officials, and employees of postsecondary technical schools which are operated by the Technical College System of Georgia, except those officers, officials, and employees already eligible to be covered by the state merit system by law or executive order;

#### **SECTION 9.**

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by replacing "Department of Technical and Adult Education" with "Technical College System of Georgia" wherever the former occurs in:

- (1) Code Section 48-7-40.5, relating to tax credits for employers providing approved retraining programs; and
- (2) Code Section 48-7-41, relating to basic skills education program credits.

#### **SECTION 10.**

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by replacing "Department of Technical and Adult Education" with "Technical College System of Georgia" wherever the former occurs in:

- (1) Code Section 50-13-2, relating to definitions relative to the Georgia Administrative Procedure Act;
- (2) Code Section 50-16-38, relating to all state entities to acquire real property through the State Properties Commission, exceptions, procedure for handling acquisition requests, and funds for acquisitions;
- (3) Code Section 50-25-14, relating to distribution of legislative information; and
- (4) Code Section 50-27-3, relating to definitions relative to the Georgia Lottery for Education Act.

**SECTION 11.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by replacing "department" with "system" wherever the former occurs in:

- (1) Code Section 20-4-27, relating to service in the state merit system;
- (2) Code Section 20-4-28, relating to compensation of employees of schools appointed after July 1, 1987;
- (3) Code Section 20-4-29, relating to salary and benefit plan of employees of schools formerly operated by local board of education or area postsecondary technical education board;
- (4) Code Section 20-4-30, relating to compensation of classified employees electing to become classified;
- (5) Code Section 20-4-32, relating to the accrual of sick leave; and
- (6) Code Section 20-4-33, relating to days off with pay and the accrual of sick leave.

**SECTION 12.**

All laws and parts of laws in conflict with this Act are repealed.